8. (Currently amended). A piston support, as set forth in Claim 1, wherein a plurality of said braking elements (23) are positioned in said piston guide (5) equiangularly spaced apart around said piston (8) ~~oppositely to said wedge surface (18)~~.

9. (Currently amended). A piston support, as set forth in claim 1, wherein said braking means comprises an axially extending ~~expending~~compression spring.

REMARKS

Claims 1, 2, 3, 5, 8 and 9 are in the application.

Claim 1 has been amended to include a part of claims 4 and 5 and to set forth the subject matter of Figs. 2 and 3 more specifically.

The significant differences over the prior art are the arrangement of the recess in the leading end 7 of the piston guide 5 containing the braking element 23. The configuration of the base 22 of the recess inclined radially outwardly toward the trailing end of the piston. The angle of inclination of the base 22 being greater than the angle of inclination of the wedge-shaped surface 18 so that when the piston 8 moves in the firing a setting direction the braking element no longer contacts the piston.

Claims 1-3 and 8 rejected under 35 U.S.C. §102(b) as anticipated by Termet.

TERMET 3,871,565

The Termet patent discloses a cartridge-fired apparatus for driving fasteners and the like. In the references the piston ram, when driven, has a control part 12 driven through a stop forming ring 15. The stop forming ring 15 sits in a cup 18. the cup may be considered a recess, however, it does not form an inclined base 22 as set forth in Claim 1 (amended), it does not contain a braking element rolling in a contact with the base 22 and the piston driving an early point of the movement of the piston when it is fired. There is no disclosure of a spring biasing the braking element. There is no suggestion of an inclined wedge surface 18 on the piston 8 as set forth in claim 1. Accordingly, in view of the lack of any structure in Termet disclosing or suggesting the features of applicants' claim 1 (amended), it is submitted that the reference does not provide a base for rejecting applicants' claims.

Claims 4, 5, 7 and 9 were rejected under 35 U.S.C. §103 as unpatentable over Termet in view of Ehmig et al.

Ehmig et al., 4,941,391

Ehmig, et al is a driving piston braking means for an explosive powder actuated setting device.

Ehmig et al. has braking balls 17 seated within a recess 16. The base of the recess is not inclined outwardly relating to the axis of the shank 11. The recess 16 has a spring 18 in the form of a spring ring. The braking ball does not move along an inclined base surface of the recess. The function of the braking balls in the reference is to effect a braking action when the piston is driven forwardly, not to release any braking action during the forward driving action, note Figs. 3 and 4 in Ehmig et al.

The reference teaches the opposite action of the braking balls and does not disclose or suggest the structure of the recess in Claim 1 not found in Termet.

The combination of Termet and Ehmig et al. teaches an arrangement opposite to the claimed structure in claim 1 (amended), accordingly the two references do not form a basis for rejecting the applicants' claims.

Claims 4 and 6 are rejected under 35 U.S.C. §103 as unpatentable over Termet in view of Kindle et al.

Kindle et al., 4,405,072

Kindle discloses a setting device formed by an explosive gas mixture.

Note that Claims 4 and 6 stand withdrawn.

The addition of Kindle, et al to Termet fails to afford any suggestion of the applicants' claims, accordingly, it is submitted that this applicants' claims, as amended, are allowable.

In view of the above review of the applicants amended claims it is submitted that the claims presently in the application are allowable and a favorable action on the claims is solicited.

Respectfully submitted

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 12, 2003.

Signature: N. Newton